

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAYMOND NG, *et al.*,

Defendants.

CASE NO. CR20-0172-JCC

ORDER

This matter comes before the Court on the parties' stipulated motion to continue trial (Dkt. No. 44). Having thoroughly considered the briefing and the relevant record, the Court hereby GRANTS the motion for the reasons explained herein.

Trial is currently scheduled for December 28, 2020. (*See* Dkt. Nos. 14, 18.) The parties argue a continuance is necessary because the case is complex, discovery is substantial, and defense counsel need additional time to effectively prepare pretrial motions and for trial. (*See* Dkt. No. 44 at 6–8.) The Court also considers the context in which this motion arises. The COVID-19 pandemic continues to significantly impact the Court's operations. (*See* General Orders 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20 each of which the Court incorporates by reference.) Specifically, the pandemic has made it difficult for the Court to obtain an adequate spectrum of jurors to represent a fair cross section of the community, and public health guidance has impacted the ability of jurors, witnesses, counsel, and Court staff to be present in the

1 courtroom. (*See generally id.*)

2 Accordingly, the Court FINDS that the ends of justice served by continuing trial until
3 June 2021 outweigh the best interests of Defendants and the public to a speedy trial. *See* 18
4 U.S.C. § 3161(h)(7)(A). The reasons for this finding are:

- 5 1. Given the complexity of this case and the extraordinary volume of discovery, a failure
6 to grant a continuance would deny Defendants' counsel reasonable time necessary for
7 effective preparation. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).
- 8 2. The COVID-19 pandemic has made it difficult for the Court to obtain an adequate
9 spectrum of jurors to represent a fair cross section of the community, which would
10 likely make proceeding with an earlier trial impossible or would result in a
11 miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
- 12 3. Public health guidance has impacted the ability of jurors, witnesses, counsel, and
13 Court staff to be present in the courtroom. Therefore, proceeding with an earlier trial
14 would likely be impossible or would result in a miscarriage of justice. *See* 18 U.S.C.
15 § 3161(h)(7)(B)(i).

16 Accordingly, the Court GRANTS the motion (Dkt. No. 44) and ORDERS as follows:

- 17 1. The jury trial is CONTINUED to June 28, 2021 at 9:30 a.m.
- 18 2. The pretrial motions deadline is CONTINUED until May 17, 2021.
- 19 3. The period from the date of this order until June 28, 2021 is an excludable time
20 period under 18 U.S.C. § 3161(h)(7)(A).

21 DATED this 1st day of December 2020.

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25 John C. Coughenour
26 UNITED STATES DISTRICT JUDGE